

SUPERIOR COURT IN THE STATE OF CALIFORNIA  
COUNTY OF YOLO

PEOPLE OF THE STATE OF CALIFORNIA  
Plaintiff,

Case CR-F -08-0003355

vs.

MINUTE ORDER

MARCO ANTONIO TOPETE  
Defendant.

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Judge: David Rosenberg  
Clerk: Heather Salmon  
Reporter: Katie Stevens  
Date: August 8, 2008

HEARING: Conflict of Interest/Potential Waiver of Conflict of Interest

Counsel for the People: Jeff Reisig, District Attorney

Counsel for Defendant(s): Barry Melton, Public Defender  
Hayes Gable & Thomas Purtell, Provisionally Appointed Counsel  
J. Toney, Appointed Conflict Counsel

8:30 AM

Defendant present in custody. All counsel present in open court.

Court addressed the Declaration of Conflict of Interest previously filed by the Public Defender. J. Toney informed the court he has reviewed this matter with the defendant and counsel Barry Melton. J. Toney stated Mr. Melton indicated there are conflicts the defendant cannot waive.

Court finds good cause and accepts the public defender's withdrawal as counsel of record.

Conflict attorneys Hayes Gable and Thomas Purtell are appointed. Court finds new counsel to be appropriate and capable.

Conflict attorney J. Toney relieved.

Attorney Gable presented the Court with a Notice of Withdrawal of Motion To Disqualify Judge Rosenberg pursuant to C.C.P. 170.6(A)(6)(a)(a)(iii). Court ordered the Notice filed.

Attorney Gable informed the Court he will fax the Withdrawal to the office of Judge De Alba. Mr. Gable states to the Court he believes the matter before Judge De Alba will be dropped.

Defense motion #6 Request for Immediate Provision of Daily Transcripts (defense motion #6) granted by the Court.

Court orders the clerk to file the signed Notice of Intent to Make Available Remote Electronic Access to Court Records {CRC 2.503}. Court provided copies to counsel. Court instructs counsel any comments regarding the Courts intent must be received by the Court no later than August 13, 2008.

Attorney Purtell will appear with the defendant on August 22, 2008, attorney Gable will not be present.

Court confirmed the court date of August 22, 2008 at 8:30 in Department 9 before Judge David Rosenberg for Status Review.

If the motion to disqualify this Court that is before Judge De Alba is resolved as requested by defense counsel, the August 22, 2008 court date may address Arraignment and entry of plea.

8:40 AM

Court adjourned.

Defendant remains in the custody of the sheriff without bail; parole hold in place.

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